A BILL FOR AN ACT

RELATING TO THE KAHO'OLAWE ISLAND RESERVE COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 6K-4, Hawaii Revised Statutes, is amended to read as follows:

"§6K-4 Powers and duties. The [department] commission and other departments and agencies of the State shall be subject to the oversight of the [commission] department with regard to the control and management of the island reserve. Subject to section 6K-6, the department shall:

(1) Implement controls and permitted uses for the island reserve;
(2) Enforce this chapter;
(3) Provide administrative support to the commission; and
(4) Authorize those of its employees as it deems reasonable and necessary to serve and execute warrants and arrest offenders or issue citations in all matters relating to enforcement of the laws and rules applicable to the island reserve."

SECTION 2. Section 6K-6, Hawaii Revised Statutes, is amended to read as follows:
"§6K-6 Responsibilities and duties of the commission. The general administration of the island reserve shall rest with the commission; provided that the department shall have oversight of the control and management of the island reserve pursuant to section 6K-4. In carrying out its duties and responsibilities, the commission:

(1) Shall establish criteria, policies, and controls for permissible uses within the island reserve;

(2) Shall approve all contracts for services and rules pertaining to the island reserve;

(3) Shall provide advice to the governor, the department, and other departments and agencies on any matter relating to the island reserve;

(4) Shall provide advice to the office of planning and the department of the attorney general on any matter relating to the federal conveyance of Kaho'olawe;

(5) May enter into curator or stewardship agreements with appropriate Hawaiian cultural and spiritual community organizations for the perpetuation of native Hawaiian cultural, religious, and subsistence customs, beliefs, and practices for the purposes stated in section 6K-3;
(6) Shall carry out those powers and duties otherwise conferred upon the board of land and natural resources and the land use commission with regard to dispositions and approvals pertaining to the island reserve. All powers and duties of the board of land and natural resources and the land use commission concerning dispositions and approvals pertaining to the island reserve are transferred to the commission;

(7) Shall carry out those powers and duties concerning the island reserve otherwise conferred upon the county of Maui by chapter 205A. The powers and duties of the county of Maui and its agencies concerning coastal zone dispositions and approvals pertaining to the island reserve are transferred to the commission;

(8) Shall carry out those powers and duties concerning the island reserve otherwise conferred upon the island burial councils and the department with regard to proper treatment of burial sites and human skeletal remains found in the island reserve;

(9) Shall adopt rules in accordance with chapter 91 that are necessary for the purposes of this chapter and
shall maintain a record of its proceedings and
actions;

(10) May delegate to the executive director or employees of
the commission, by formal commission action, such
power and authority vested in the commission by this
chapter as the commission deems reasonable and proper
for the effective administration of this chapter; and

(11) May solicit and accept grants, donations, and
contributions for deposit into the Kaho‘olawe
rehabilitation trust fund to support the purposes of
this chapter."

SECTION 3. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.
Report Title:
Kaho'olawe Island Reserve Commission; Department of Land and Natural Resources

Description:
Provides that the Kaho'olawe Island Reserve Commission shall be subject to the oversight of the department of land and natural resources.

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